

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hiroshi Nagai, et al.  
Serial No.: 10/528,224  
Filed : August 15, 2005  
For : Functional Foods/Drinks Containing Antiallergic Component  
Examiner: Suez Ellis  
Art Unit: 1615

**Preliminary Amendment filed with a Request for Continued Examination**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Preliminary Amendment is being filed with a Request for Continued Examination. The Preliminary Amendment responds to the Final Office Action dated May 12, 2008, for which a shortened statutory period of three months for response, ending August 12, 2008, was set in which to respond, the following amendments and comments are submitted and reconsideration of the claim rejections is respectfully submitted.

The Applicants submit that in view of the attached Certificate of Mailing, this response is timely.

The fee of eight hundred and ten dollars (\$810.00) is being paid concurrently with filing of this response via credit card. No Additional fee is believed due with this response. However, please charge any additional fee or credit any payment to Deposit Account 50-2828.

**Listing/Amendments to the Claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.